

March 19, 2018

West Des Moines City Council Proceedings
Monday, March 19, 2018

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, March 19, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, and K. Trevillyan. Council member R. Trimble participated via telephone.

City Clerk Ryan Jacobson stated staff is recommending pulling Consent Agenda Items 4(d) Extended Sound Permit - Glen Oaks Country Club and 4(n) Settlement and Release - Dennis and Vicki Swallow, which should both be considered individually to allow for potential comments and discussion.

On Item 1. Agenda. It was moved by Hardman, second by Trevillyan approve the agenda as amended.

Vote 18-136: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Sandager reported the Public Services Subcommittee met and discussed the proposed removal of a median on South 60th Street in front of Westwood Baptist Church and a proposed "West Suburban Traffic Management" partnership. He reported he also attended a meeting of the West Des Moines Water Works Board, where discussion was held on the possibility of the City "buying out" the Water Works share of the City Hall building, and an update was given on the largest water users in the city.

Council member Hardman she met with Fire Chief Craig Leu to learn more about the operations within the Fire Department.

On Item 4. Consent Agenda.

Council members pulled Item 4(o) for discussion. It was moved by Trevillyan, second by Sandager to approve the consent agenda as amended.

- a. Approval of Minutes of March 5, 2018 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Montelongo, Inc. d/b/a Abelardo's Mexican Food, 5525 Mills Civic Parkway, Suite 130 - Class BB Beer Permit with Sunday Sales - Renewal

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2. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
3. El Rey Corporation d/b/a El Rey Burritos, 1310 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
4. Silverwest-I WDM, LLC d/b/a Element West Des Moines, 575 South Prairie View Drive - Class LB Liquor License with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal
5. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
6. Firecreek Grill, LLC d/b/a Fire Creek Grill, 800 South 50th Street, Suite 110 - Class LC Liquor License with Carryout Wine and Outdoor Service - New
7. Windrum Enterprises, LLC d/b/a Fuddruckers, 6378 Mills Civic Parkway - Class BB Beer Permit with Sunday Sales - Renewal
8. Hy-Vee, Inc. d/b/a Hy-Vee Food Store & Drug Center #2, 1990 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
9. JLS Vending, Inc. d/b/a The Oasis, 2500 Grand Avenue (softball complex) - Class BB Beer Permit with Sunday Sales and Outdoor Service Privileges - Renewal
10. Hy-Vee, Inc. d/b/a The Ron Pearson Center, 5820 Westown Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
11. Plunkett Enterprises S&S d/b/a Scissors and Scotch, 440 South 68th Street, #105 - Class LC Liquor License with Sunday Sales - New
12. Des Moines Wine Festival Foundation, d/b/a Winefest Des Moines, 1501 42nd Street, Suite 500 - 5-Day Class BW Permit - Effective March 22-26, 2018
- d. Approval of Extended Sound Permit - Glen Oaks Country Club, 1401 Glen Oaks Drive
- e. Approval of Special Event Lane Closures:
 1. St. Patrick's 10K and 5K - Friendly Sons of St. Patrick
 2. Lutheran Church of Hope Easter Services
- f. Approval of Appointment - Bicycle Advisory Commission
- g. Approval of Contract - Electrical Repair Services
- h. Approval of Agreement Amendment - Veterans Parkway Enhancements
- i. Order Construction:
 1. 2017 ADA Sidewalk Improvements
 2. 2018 PCC Reconstruction Project
 3. Holiday Park Parking Lot Repairs
 4. Veterans Parkway, SE Maffitt Lake Road to SE Adams Street
- j. Accept Work:
 1. 2017 PCC Reconstruction Program
 2. Valley Junction Alley Improvements, Phase 4
 3. South 88th Street Improvements, Booneville Road to Sugar Creek Drive

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- k. Approval and Acceptance of Purchase Agreements and Property Interests - Project Osmium Public Infrastructure
- l. Approval and Acceptance of Purchase Agreement - 5 Hamilton Court
- m. Approval of First Amendment to Agreement Regarding the Installation of a Private Access Road - 9040 University Avenue
- n. Approval of Settlement and Release - South 60th Street Improvements Project - Dennis and Vicki Swallow
- o. Approval of Resolution of Support - Sergeant Shawn Miller Memorial Bridge

Vote 18-137: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(o) Approval of Resolution of Support - Sergeant Shawn Miller Memorial Bridge

Council member Trevillyan reported the West Des Moines Police Association is promoting this memorial to honor Sergeant Shawn Miller, and Polk County is adopting a similar Resolution, which is needed as part of the request that will be submitted to the Iowa Department of Transportation.

It was moved by Trevillyan, second by Sandager to approve Item 4(o) Approval of Resolution of Support - Sergeant Shawn Miller Memorial Bridge.

Vote 18-138: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(d) Approval of Extended Sound Permit - Glen Oaks Country Club, 1401 Glen Oaks Drive

Mayor Gaer noted this request is the same as previous years, but a neighboring resident has expressed concerns. Mayor Gaer inquired if anyone present would like to comment on this request, but no one came forward.

It was moved by Sandager, second by Hardman to approve Item 4(d) Approval of Extended Sound Permit - Glen Oaks Country Club, 1401 Glen Oaks Drive.

Council member Trimble encouraged Glen Oaks Country Club to be the best neighbor they can and try to mitigate the noise concerns of this resident.

Mayor Gaer noted only one resident has expressed concerns, while nobody else in the area has made any complaints. He also stated that Glen Oaks Country Club has always been in compliance with the City's noise ordinance and has already made efforts to mitigate the noise concerns.

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Council member Mickelson noted this is an event venue, and since they are not violating the City's noise ordinance, he does not think they need to make any changes.

Vote 18-139: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(n) Approval of Settlement and Release - South 60th Street Improvements Project - Dennis and Vicki Swallow

Mayor Gaer stated Mr. and Mrs. Swallow had initially requested a reimbursement of \$4,100 for labor and materials, but the Public Services Subcommittee has recommending approval of a \$2,500 reimbursement.

Mayor Gaer inquired if Mr. or Mrs. Swallow had any comments for the Council, but they indicated they did not.

It was moved by Sandager, second by Trimble to approve Item 4(n) Approval of Settlement and Release - South 60th Street Improvements Project - Dennis and Vicki Swallow.

Vote 18-140: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Covenant Cove, southeast corner of 98th Street and Bishop Drive - Approval of an Amendment to the 98th Street Planned Unit Development (PUD) to Change Zoning from Manufactured Housing to Residential Medium Density and Establish Development Regulations, initiated by Covenant Cove, LLC

It was moved by Trevillyan, second by Hardman to consider the second reading of the ordinance.

Vote 18-141: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the second reading of the ordinance.

Vote 18-142: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to waive the third reading and adopt the ordinance in final form.

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Vote 18-143: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Zoning District), and Chapter 14 (Accessory Structures) - Update Regulations Pertaining to Small Wind and Solar Energy Generating Systems and Define and Regulate Electric Vehicle Charging Stations, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to consider the second reading of the ordinance.

Trimble – appreciate how progressive we are.

Vote 18-144: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the second reading of the ordinance.

Vote 18-145: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 18-146: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) - Allow within Industrial Zoning Districts Uses Related to Garbage Collection and Transport, Unattended Fuel Pumps and Public Safety and Order, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hardman to consider the second reading of the ordinance.

Vote 18-147: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the second reading of the ordinance.

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Vote 18-148: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 18-149: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Termination of Easements, 8184 South Orilla Road - Terminate a Private Utility Easement and Two Shared Driveway and Utility Easements, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 15, 2018 in the N. Warren Town and County News. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Termination of Easements.

Vote 18-150: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Miscellaneous Repairs at Parks Restrooms/Shelters, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 9, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Lang Construction.

Vote 18-151: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Woodland Hills Park Loop Trail, initiated by the City of West Des Moines. He asked for the date

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the notice was published and the City Clerk indicated the notice was published on March 9, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to JAS Construction, LLC.

Vote 18-152: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018 Concrete Trail Renovation, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 9, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to MNM Concrete Specialist.

Vote 18-153: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) New Horizon Day Care, 9040 University Avenue - Approval of Site Plat to Construct a 12,600 sq. ft. Day Care Building, initiated by New Horizon Real Estate Development, LLC

It was moved by Trevillyan, second by Hardman to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 18-154: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Flynn Estates, 33513 335th Street - Subdivide Property into Two Single Family Lots, initiated by Pamela Flynn

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It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval and Release of Plat of Survey, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Council member Trimble inquired if anything can be done to ensure any future property owner is aware of their obligation to install sidewalks and streetlights.

City Attorney Scieszinski noted this will be included in the property title.

Vote 18-155: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 5 (Solid Waste Control) - Remove the Licensing Requirements for Haulers of Solid Waste, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance.

Council member Trimble inquired if there is no longer a need to track private solid waste haulers.

Joe Cory, Deputy Public Services Director, confirmed there is little value in collecting and retaining information on private solid waste haulers, aside from verifying they have insurance, but with only a handful of companies complying and obtaining these permits, it has been determined by staff that the process can be discontinued.

Mayor Gaer noted the City's contract with the solid waste hauler used for citywide residential collection has very detailed requirements, and the City will continue to track that company and their vehicles. He stated private businesses that contract solid waste haulers should bear the responsibility for ensuring their hauler has the appropriate insurance in place.

Council member Trimble stated he has received a number of complaints from residents about garbage blowing around in residential areas, and he inquired if staff could look into that issue with the solid waste hauler used for citywide residential collection.

Mr. Cory stated staff will look into that issue.

Vote 18-156: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the first reading of the ordinance.

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Vote 18-157: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, provided a brief legislative update, stating the second funnel week has passed, however two key bills are still pending: HF 2063/SF 2267 (Tax Increment Financing Revisions) and SF 2081/HSB 678 (Elimination of Backfill to Cities). She noted there have been leadership changes in the Senate, with Senator Whitver becoming the new Senate Majority leader, and Senator Schneider becoming the new Senate President. She also reported that HF 2253 (Lease-Purchase Bill) has been amended to include definitions on public improvements.

Council member Trevillyan inquired about the status of possibly adding permanent restrooms to the parks that currently use kybo's.

Sally Ortgies, Director of Parks and Recreation, responded the parks that don't have permanent restrooms are considered mini neighborhood parks. Staff did put together a cost estimate for adding permanent restrooms to all those parks.

City Manager Tom Hadden stated he had previously suggested that the proposed addition of permanent restrooms be considered through the Parks CIP process as part of the next budget cycle.

Staff was asked to distribute the cost estimate information and list of parks without permanent restrooms to the Mayor and Council.

Council member Trimble stated he believes there should be higher priorities for Parks CIP projects than restrooms, but he understands the concerns associated with Railroad Park and the high demand for restrooms in that area during Valley Junction events, so he would support looking into adding permanent restrooms at that location.

The meeting was adjourned at 6:13 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
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ATTEST:

Steven K. Gaer, Mayor